UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Paper No.

FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS MN 55440-1022

COPY MAILED

NOV 2 2 2006

OFFICE OF PETITIONS

In re Application of :

Peter Macleod : DECISION ON APPLICATION

Application No. 09/653,052 : FOR

Filed: September 1, 2000 : PATENT TERM ADJUSTMENT

Atty Docket No. 07844-356001 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(B)," filed September 18, 2006. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from eight hundred twenty-six (826) days to eight hundred sixty-five (865) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is eight hundred sixty-five (865) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On June 23, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 826 days. On September 18, 2006, applicant timely submitted the instant application for patent term adjustment¹. Applicant disputes the reduction of 19 days associated with the filing of a response to the non-final Office action mailed May 6, 2004 on August 25, 2004. Applicant asserts that their response was filed by Express Mail (pursuant to

PALM records indicate that the Issue Payment was also filed on September 18, 2006.

\$1.10) on August 5, 2004, and thus, there was no applicant delay (pursuant to \$1.704(b)). Further, applicant asserts that, given that the response was actually filed on August 5, 2004, a period of adjustment of 40 days (not 20 days) pursuant to \$\$1.702(a)(2) and 1.703(a)(2) should be entered for the Office taking until January 14, 2005 to respond with the mailing of a non-final Office action.

The record supports a conclusion that the patent issuing from this application is not subject to a terminal disclaimer.

Applicant is correct. The response is considered received on August 5, 2004. Further, applicant's characterization of the basis for and amounts of the corrections to the adjustments and reductions of patent term in this application given the filing of the response on August 5, 2004 is correct.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 865 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent will include any additional patent term adjustment accrued for Office delay in issuing the patent after payment of the issue fee and all outstanding requirements having been met.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson

Sentor Petitions Attorney

Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Monday Date: 11/20/2006



PALM INTRANET

Time: 19:08:11

PTA Calculations for Application: 09/653052								
Application Filing Date: 09/01/2000	PTO Delay (PTO):	937						
Issue Date of Patent:	Three Years:	0						
Pre-Issue Petitions: 0	Applicant Delay (APPL):	111						
Post-Issue Petitions: 0	Total PTA (days):	865						
PTO Delay Adjustment: 39								

File Contents History									
Number	Date	Contents Description	PTO	APPL	START				
49	11/20/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	40						
48	11/20/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		20					
47	11/20/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	19						
41	06/23/2006	MAIL NOTICE OF ALLOWANCE							
		ISSUE REVISION COMPLETED							
39	06/12/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED							
38	06/12/2006	NOTICE OF ALLOWABILITY							
37	04/06/2006	DATE FORWARDED TO EXAMINER							
36	03/27/2006	RESPONSE AFTER NON-FINAL ACTION							
35	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU							
34	12/28/2005	MAIL NON-FINAL REJECTION							
33	12/27/2005	NON-FINAL REJECTION							
32	07/05/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED							
31	10/19/2005	DATE FORWARDED TO EXAMINER							
30	10/12/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE							
29	10/19/2005	DATE FORWARDED TO EXAMINER							
28	10/12/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)							
27	10/19/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)							
26	10/14/2005	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)							
25	10/06/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)							
24	10/12/2005	WORKFLOW - REQUEST FOR RCE - BEGIN							
			1						

23	07/05/2005	REFERENCE CAPTURE ON IDS			
22	07/05/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		92	18
21		MAIL FINAL REJECTION (PTOL - 326)			
20	07/11/2005	FINAL REJECTION			
19	04/20/2005	DATE FORWARDED TO EXAMINER			
18	04/04/2005	RESPONSE AFTER NON-FINAL ACTION			
17	01/14/2005	MAIL NON-FINAL REJECTION	20		13
16	01/13/2005	NON-FINAL REJECTION			
15	10/27/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	10/27/2004	DATE FORWARDED TO EXAMINER			
13	08/25/2004	RESPONSE AFTER NON-FINAL ACTION		19	10
12	08/12/2004	CASE DOCKETED TO EXAMINER IN GAU			
11	08/05/2004	WORKFLOW INCOMING AMENDMENT IFW			
10	05/06/2004	MAIL NON-FINAL REJECTION	917		-1
9	05/03/2004	NON-FINAL REJECTION			
8	04/02/2004	CASE DOCKETED TO EXAMINER IN GAU			
7	07/31/2003	CASE DOCKETED TO EXAMINER IN GAU			
6	07/31/2003	CASE DOCKETED TO EXAMINER IN GAU			
5	03/28/2001	CASE DOCKETED TO EXAMINER IN GAU			
4	10/26/2000	APPLICATION DISPATCHED FROM OIPE			
3	10/26/2000	CORRESPONDENCE ADDRESS CHANGE			
2	10/04/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/01/2000	INITIAL EXAM TEAM NN			

Search Another: Application#

Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to $~\underline{PALM}\,|\,\underline{ASSIGNMENT}\,|\,\underline{OASIS}\,|$ Home page